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April 26, 2023

Via ECF

Honorable Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Elfe v. 26 Motors Corp., et al., 22-CV-9385 (RA)*

Dear Judge Abrams:

My office, together with my co-counsel, Thomas R. Breeden, Esq., represents the plaintiff, Glenn C. Elfe, in the above referenced case brought against the defendants, 26 Motors Corp., Kyle Merritt, Chino Germinal Lantigua, John Doe # 3 aka Manager, Wells Fargo Bank, N.A., L.J. Marchese Chevrolet, Inc., and Michelle Bailey, under the Fair Credit Reporting Act, 15 U.S.C. §1681, *et seq.*, the Equal Credit Opportunity Act, 15 U.S.C. §1691, *et seq.*, New York Pers. Prop Law §§301-16, New York General Business Law §§349 and 350, and related common law claims for fraud, breach of warranties, aiding and abetting, conspiracy and declaratory relief.

I am writing to request leave to file the Second Amended Complaint attached as Exhibit A. For the Court's convenience, I am attaching a redlined copy of the document as Exhibit B, which shows the changes from the First Amended Complaint. I am also requesting permission to amend the caption to include the following new parties: 26 Motors Queens, Inc. d/b/a 26 Motors, 26 Motors Jamaica Inc d/b/a 26 Motors, 26 Motors Long Island LLC d/b/a 26 Motors, 26 Motors of Franklin Square LLC d/b/a 26 Motors, Moshe Pourad, Yosef Ayzencot, and Aharon Benhamo. Finally, I am requesting 60 days from when the Court grants the amendment to serve the new defendants and Kyle Merritt and Chino Germinal Lantigua.

Plaintiff is moving to amend, because we have learned from defense counsel, H. Nicholas Goodman, Esq., that 26 Motors Corp. has allegedly sold the location in The Bronx where Plaintiff bought his vehicle as well as the other 26 Motors locations across New York City and Long Island. Much of the information Plaintiff has learned about how the various companies are run and how they commingled funds, employees, and resources comes from a complaint filed in this Court in

Guzman v. 26 Motors Corp., Case No. 23-CV-283. For the Court's convenience, I am attaching a copy of the *Guzman* complaint as Exhibit C.

Because leave to amend should be freely given when justice so requires, Fed. R. Civ. P. 15(a)(2), and this motion is of a type commonly granted pre-answer, Plaintiff requests that the Court forgo requiring a formal motion and memorandum in support.

Respectfully,

/s/ Brian L. Bromberg
Brian L. Bromberg

cc: All Counsel of Record (Via ECF)